

### REMARKS

In response to the Non-Final Office Action dated August 11, 2004, the time for response to which is concurrently being requested to be extended, kindly amend the above-identified application as follows:

Applicant thanks the Examiner for the courteous Action on the merits. The drawings attachments to the Action were particularly helpful in understanding the Examiner's positions.

#### Drawings

The drawing are objected to under 37 C.F.R. 1.83(a). The Examiner objects to the drawings on the basis that the 4-bar coupling, as claimed in Claim 13, is not shown in the drawings. The Examiner has indicated in the "Attachment 2" of the Office Action, that the drawings show a 2-bar coupling, not a 4-bar coupling. This is not correct. The problem may be that the Examiner does not recognize the bars in the rotary plates.

Proposed revised drawings are attached wherein dashed lines are used to delineate where the short bars (Nos. 3 and 4) of the 4-bar linkage are found. These short bars are incorporated in the rotary members (plates 48 and 54) as shown. Previously, numerals 49, 55 were added to number these short bars of the 4-bar linkage; the linkage itself is identified by numeral 25. No new matter is added.

#### Claim Rejection – 35 U.S.C. §112

Claims 1-12 and 14-20 are rejected under 35 U.S.C. §112 as being indefinite.

As to Claim 1 (line 7) and Claim 14 (line 6) the Examiner misconstrues the term major portion; major portion means more than some minor portion and less than all of the housing in this context. See the specification, page 5, line 13. Attachment #1 shows the

major portion to be *all* of the housing which makes other language in the claim meaningless so this interpretation cannot be correct. Major means more than minor, but does not implicate "entire" but rather subsumes a further portion that is not major since there can be several minor portions, but only one major portion, *by definition*.

As to Claim 13, the Examiner rejects this claim and considers the limitation "4-bar coupling" to be incorrect. With the accompanying replacement drawings it is believed this objection will be withdrawn since there are obviously 4 bars in the linkage 25.

As to Claim 19, the Examiner has suggested that the limitation "said lever plate and said latch plate being coupled such that rotation of the lever plate causes a like rotation in said latch plate and said latch" be amended to read -- said lever plate and said latch plate being coupled such that rotation of the lever plate causes rotation of in said latch plate and said latch--.

Claim 19 is amended above to use the Examiner's suggested language; it is noted that this is not a narrowing amendment but a broadening one.

**Claim Rejection – 35 U.S.C. §102(b) (U.S. Patent No. 3,177,687 – Tucker)**

Claims 1-4 and 13-18 are rejected under 35 U.S.C. §102(b) as being anticipated by Tucker (U.S. Patent No. 3,177,687).

Regarding Claim 1, the claim recites in part

"a hand-operated lever rotatably mounted to said housing *beyond* said housing major portion, said lever being linked from *beyond* said housing major portion to said rotary actuator within said housing major portion for rotatably actuating said latch by said rotatable lever from *beyond* said housing major portion, whereby hand actuation of the lever and latch is free of interference from said pull handle"

(italics added)

No such features are found in Tucker; the Examiner's Attachment #3 confirms this. In Tucker, the handle 18 is opposite the major portion of the housing but the lever 50 in Tucker is directly opposite the handle and thus not BEYOND the major housing portion.

In claim 1, the lever is recited to be beyond the handle (i.e. beyond the housing major portion which is opposite the handle). The Action apparently reads "beyond" out of the claim. Indeed in Para. 5 of the Action, claim 1 is paraphrased without any BEYONDS. This is improper; the Examiner's position is firmly, but respectfully traversed, as based on an obvious misreading of the claim in issue, an erroneous elision of claim language presented, or a misreading of Tucker's Fig. 2-4.

The Examiner's comments at page 7 of the Action concerning the meaning of BEYOND to apparently include "exposed away from" are mystifying. Applicant intends the common meaning of BEYOND as "on or to the farther side of" (Random House Dictionary, Revised Ed. © 1984, page 130). Applicant is unaware of the meaning for BEYOND being offered by the Examiner and the Examiner cites no authority for his usage.

It is offered that the Examiner simply has not read the Tucker drawings correctly. Figs. 3 and 4 are taken from Fig. 2 and thus show the same device in different planes. In the plane of Fig. 3 the handle is visible, in the plane of Fig. 4 (taken farther left in Fig. 2) the handle, being centered in Fig. 2 (albeit not shown since it is below (into the paper) what is shown in Fig. 2), is not seen in Fig. 4. There is thus no showing by Tucker of his lever not opposite the handle (and never beyond even in the sense of exposed away from as though on the opposite side of the housing). The Examiner is invited to call the undersigned if this is not clear.

Whether the non interference language in claim 1 is method language is moot since

there is structure recited (handle, opposite, major portion, etc. which amply distinguishes clearly over Tucker, as just noted.

Regarding claims 2, 3, 4, 13, 14, 15, 16, 17 and 18, these claims are patentable at least for reasons advanced in connection with claim 1.

**Allowable Subject Matter**

The Examiner has indicated that Claims 5 and 19 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112. Further, the Examiner indicated that Claims 6-12, 20 and 21 would also be allowable in Claims 5 and 19 because they depend on Claims 5 and 19 respectively. Applicant thanks the Examiner for the conditional allowance of claims. Claim 5 has been amended to incorporate its parent. Claim 19 has been amended to incorporate its parents. Allowance of these claims and their dependent claims is requested.

**Conclusion**

Please enter the foregoing amendments. Reconsideration is requested; allowance of all claims is requested.

Respectfully submitted,



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